

# **CITY OF HORSESHOE BAY**

## **BOARD OF ADJUSTMENT**



**JULY 20, 2017**

**3:00 P.M.**

**CITY OF HORSESHOE BAY**  
**BOARD OF ADJUSTMENT**

Notice is hereby given to all interested members of the public that the Horseshoe Bay Board of Adjustment will hold a Public Meeting beginning at 3:00 p.m., on Thursday, July 20, 2017 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The agenda for the Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (those speaking are asked to limit their comments to three minutes)
3. Public Hearing on a request by Coleen Sullivan for a Variance from Section 14.02.402(b)(15)(K) of the Zoning Ordinance to allow erection of a privacy fence on Lot K14004 in Horseshoe Bay South, but not in the M-1 Mobile Home District (500 Great Western)
4. Adjournment

  
Eric W. Winter, Development Services Dir.

The Board of Adjustment may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Board that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Board on any subject or matter while in closed session. Any action, decision or vote will be taken by the Board only in open meeting.





## CITY OF HORSESHOE BAY

JULY 20, 2017

**To:** Board of Adjustment  
**Thru:** Stan R. Farmer, City Manager  
**From:** Eric W. Winter, Development Services Director  
**RE:** Public Hearing, Discuss, Consider and Take Action Regarding a Request for a Variance to Allow Erection of a Wooden Privacy Fence on Lot No. K14004 of Horseshoe Bay Plat No. K14.1, also Known as 500 Great Western in Horseshoe Bay South, but not in the M-1 Mobile Home District/*Coleen Sullivan, Applicant*

The owner is requesting a Variance from Sec. 14.02.402(b)(15)(K) that only allows wooden privacy fences in the M-1 Mobile Home District in Zone 4B Horseshoe Bay South, to allow erection of a wooden privacy fence on a property in Zone 4B but outside of the M-1 Mobile Home District. The property is classified R-1 Single-Family Residential and has an existing residence.

The Board of Adjustment can only grant a Variance after holding a public hearing on the request and finding that:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land. The applicant states that: "We are requesting a privacy fence due to rental property next door." Staff has no issue with this.
2. The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "As soon as we moved into the house in November of 2016 we began to have issues with the persons renting the house next door. They had numerous loud parties lasting until 2 or 3 AM, some on weeknights. They were politely asked to be considerate, but are rough motorcycle types. They rev their motorcycles at all hours. The male tenant has walked out to the backyard without clothing and we are not able to enjoy our backyard and privacy." Staff has no issue with this.
3. Granting of the Variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. The applicant states: "We only have one adjacent neighbor – the rental house property. This fence is in accordance with fence rules for other areas of Horseshoe Bay South regarding height and location. In addition, we have neighbors with privacy fences (See attached photo exhibit)." Staff's review found this to be the case.
4. Granting of the Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance. The applicant states: "This Variance would be an additional 13 feet back from the 25 foot front yard setback for a total of a 38 foot setback (see site plan exhibit) and is not within the utility easements. This fence would be barely visible from the street and would enhance the surrounding property." Staff has no issue with this.
5. Granting of the Variance constitutes a minimal departure from this Ordinance. The applicant states: "The Variance would be in accordance with the Ordinance allowed for other nearby

properties in Horseshoe Bay South – “No fence or wall exceeding seven (7) feet in height shall be built on any lot.” This fence would be 7 feet in height or less (see attached fence design).” Staff’s review found this to be the case.

6. The subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property. The applicant states: “This fence would enhance the look of neighboring properties. The rental property next door has an unsightly chain link metal fence. The house is old and the siding/paint is shabby. All other neighboring properties are unimproved.” Staff has no issue with this.

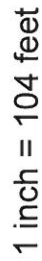
The Horseshoe Bay Architectural Control Committee has approved the Variance. The required public notices were provided. Based on the above review, staff recommends approval of the attached Variance Approval Form.

Enclosures: Aerial Photo  
Zoning Map  
Photo of Other Neighboring Privacy Fences  
Site Plan  
Fence Design  
Variance Approval Form





500 Great Western



Cartographic Data For  
General Planning Purposes Only

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The accuracy and precision of the categorical data is limited and should be used for informational/planning purposes only. This data should not be used for surveys conducted by regulated Texas local surveyors nor does it constitute an "official" verification of zoning and use classification or other classification set forth in local, state, or federal regulatory processes. The City of Horseshoe Bay, nor its employees, does not make any warranty, express or implied, regarding any completeness or interest for a particular purpose, compliance with legal liability or for any other purpose, accuracy, completeness, or usefulness of any such information, nor does it represent that its use would not infringe upon a legally owned right.

Coordinate System:  
Texas State Plane/Central Zone/NAD 83/Feet







## LEGEND



## ZONING

**Zoning Classification**  
A-1 RECREATIONAL



1 inch = 104 feet

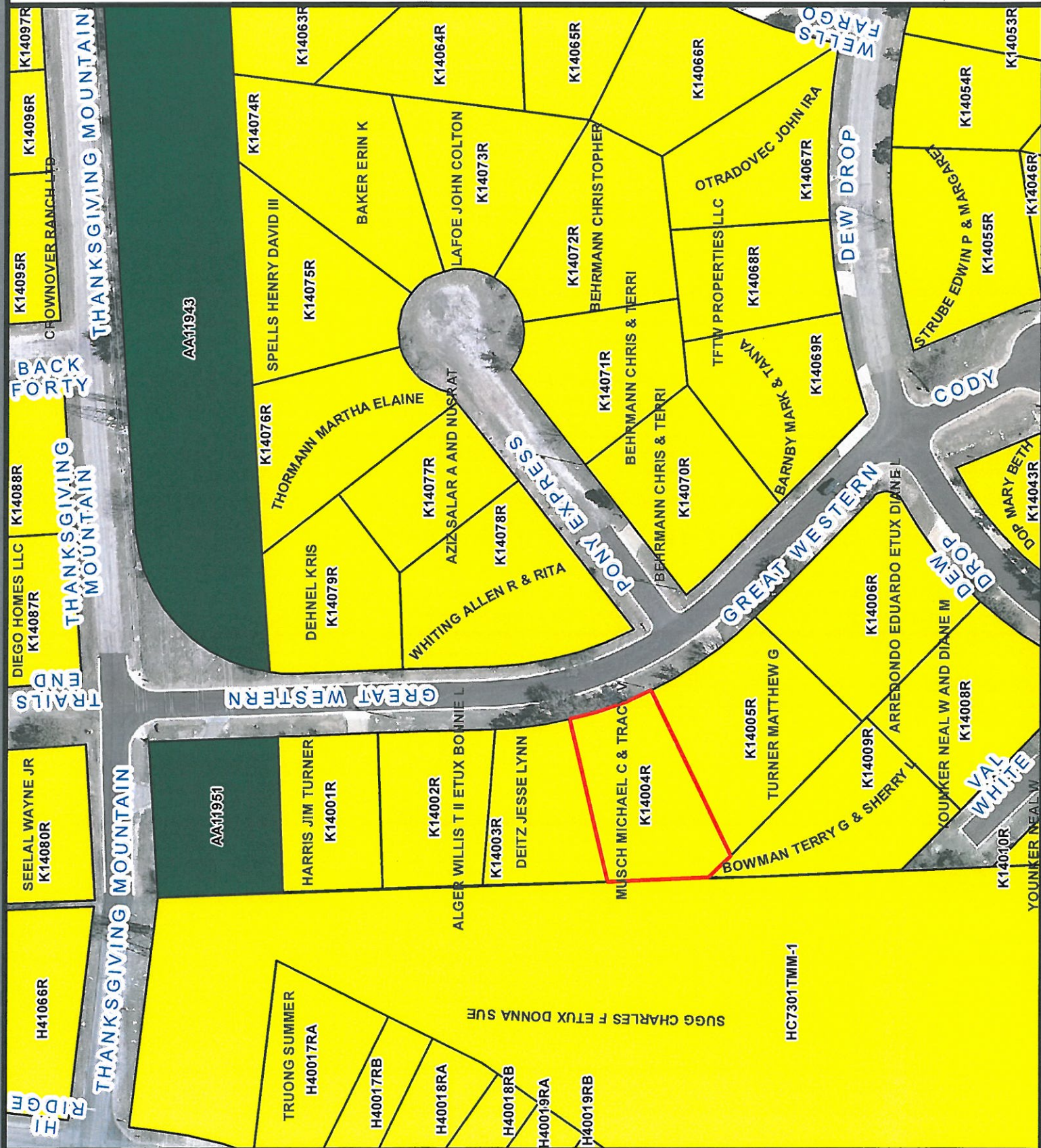
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Cartographic Data For  
General Planning Purposes Only

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The accuracy and precision of the cartographic data is limited and should be used for informational purposes only. This data should not be relied upon for surveys conducted by regulated Texas land surveyors nor does it constitute an official verification of zoning. The data is not intended for classification or other classification within local, state, or federal regulatory processes. The City of Houston may not be held responsible for any errors or omissions, or any damages arising from any use of the data, and the City expressly disclaims any warranty of merchantability and fitness for any particular purpose, or assumes any legal liability of responsibility for the use of the data. The City of Houston does not warrant the accuracy, completeness, or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned intellectual property rights.

Coordinate System:  
Texas State Plane/Central Zone/NAD 83/Feet









500 Great Western  
Proposed Fence  
Lot K14004R





Proposed Fence Style for 500 Great Western



**APPROVED**  
HORSESHOE BAY  
ARCHITECTURAL COMMITTEE  
BY \_\_\_\_\_





**City of Horseshoe Bay Board of Adjustment Zoning Variance VA 2017-1**

On the 20<sup>th</sup> day of July, 2017, the foregoing application of Coleen Sullivan and Jason Warner for a Variance with regard to the property described in said application, known as Lot No. K14004 of Horseshoe Bay South Plat No. 14.1 and the requested Variance to allow a 7 foot privacy fence, was heard and considered by the Board of Adjustment of Horseshoe Bay, Texas. Said application having been found to be in compliance with all other requirements of the City's Zoning Ordinance and a public hearing having been conducted, said application is hereby approved and the following findings are made and incorporated into the minutes of the meeting at which the Variance from the requirement that privacy fences are only allowed in the M-1 Mobile Home Section in Horseshoe Bay South of Section 14.02.402(b)(15)(K) was granted:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the City's Zoning Ordinance would deprive the applicant of the reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance;
5. Granting of the variance constitutes a minimal departure from the Zoning Ordinance;
6. The subject circumstances or conditions are not self-imposed, based solely on economic gain or loss, or generally affect most properties in the vicinity of the property.

**APPROVED** on this, the 20<sup>th</sup> day of July, 2017 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

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**David Pope, Chairman**

**ATTEST:**

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**Eric W. Winter, Development Services Director**



STATE OF TEXAS       §

COUNTY OF LLANO     §

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of July, 2017, by David Pope, known to me to be the Chairman of the City of Horseshoe Bay Board of Adjustment.

Seal

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Jessica Noaker, Notary Public  
My commission expires August 23, 2017